


MASS.
AF18.2:
G94 ~~183~~

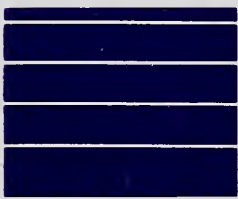


312066 0269 6991 4

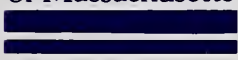
A GUIDE TO
POLITICAL ACTIVITY
FOR
STATE, COUNTY AND MUNICIPAL
EMPLOYEES



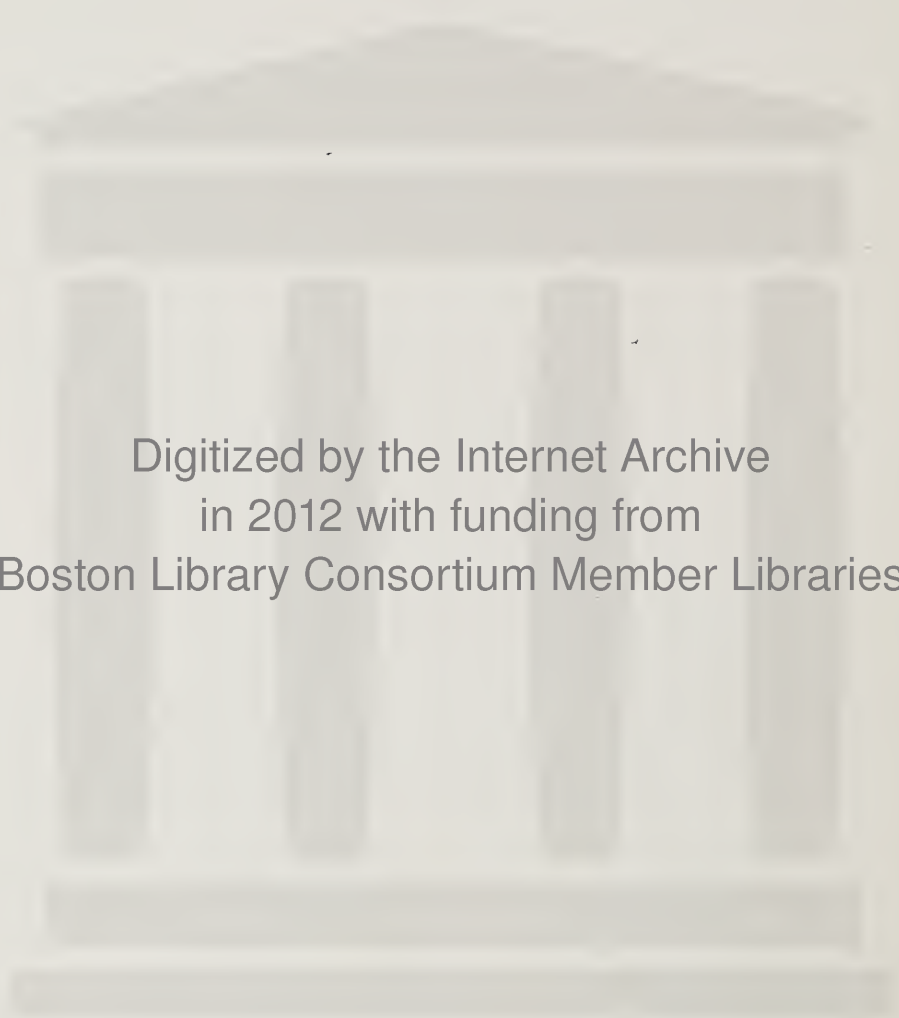
OFFICE OF
CAMPAIGN
and
POLITICAL
FINANCE



Commonwealth
of Massachusetts



904/301



Digitized by the Internet Archive
in 2012 with funding from
Boston Library Consortium Member Libraries

<http://archive.org/details/guidetopolitical00mass>

This brochure is designed to introduce state, county, city and town employees to the provisions of Massachusetts General Laws Chapter 55 regulating the political activities of public employees.

The Office of Campaign and Political Finance (“OCPF”) is empowered to administer and enforce M.G.L. Chapter 55, the Commonwealth’s campaign finance law. The Office is available to assist public employees in complying with the provisions of this statute.

This publication is meant only to be an introductory guide to the campaign finance laws governing public employees, not a substitute for them. It is the responsibility of all those participating in political activities in Massachusetts, especially all public employees, to become knowledgeable with the provisions of these laws and regulations. In addition, administrative policies of your agency or department as well as local charters may regulate the activities of a public employee and therefore, this Office recommends that you consult these resources. Violations of the law carry serious penalties of fines, imprisonment or both. For additional information, please contact the

Office of Campaign and Political Finance
One Ashburton Place
Boston, MA 02108
617-727-8352
800-462-OCPF

About The Office

Chapter 1173 of the Acts of 1973 strengthened the state campaign finance laws and established the Office of Campaign and Political Finance in what is commonly referred to as a reaction to Watergate. In truth, however, the push for reforms in campaign finance disclosure laws were already well under way in states all across the country. Portions of the campaign finance laws have been on the books in Massachusetts since as early as 1884, originally legislated under Chapter 320 of the Acts of that year. Some of those original laws are the restrictions that are placed on public employees which this brochure discusses in detail.

Restrictions On Political Activities _____

OCPF administers sections 13 through 17 of M.G.L. Chapter 55. These laws on public employees' political finance activity were designed to:

- Protect public employees from coercion to provide political contributions or services in their employment.
- Separate governmental activity from political campaign activities.
- Protect individuals doing business with the state from being coerced into contributing to any political fund or rendering any political service.

The following is a summary of M.G.L. Chapter 55, sections 13 through 17. The complete text of these laws can be found at the end of this brochure.

Section 13 Employees Prohibited from Soliciting/Receiving Contributions

Section 13 prohibits appointed state, county, city or town employees from directly or indirectly soliciting or receiving any contribution or anything of value for *any* political purpose.

- This prohibition applies to public employees:
 - at any time — working hours and non-working hours.
 - for any candidate or political committee, including PACs.
 - at any level of government.
 - fundraising activities for ballot question committees.
- This prohibition does *not* apply to any public employee who:
 - is an elected official.
 - is an uncompensated individual serving in a public position.
 - is an individual raising money for humanitarian, charitable or educational causes.
 - has a committee organized on his/her behalf, provided, however, that such committee shall not solicit or receive from any individual who has an interest in any matter in which the public employee candidate participates or which is the subject of such employee's official responsibility.

Section 14 Soliciting Contributions in Public Buildings Prohibited

Section 14 prohibits *anyone* from soliciting contributions in a building occupied for any state, county or municipal purposes.

This prohibition applies to soliciting contributions for any political purpose in such places as the State House, city and town halls, public schools, police or fire stations, municipal or county offices, and the public property surrounding any public building.

Section 15 Public Officers and Employees Prohibited from Making Contributions

This section prohibits people in the public service of the Commonwealth, a county or any city or town from contributing to any other individual in the public service.

This prohibition does *not* apply to people in the public service from making a contribution to a committee organized on behalf of another person in the public service.

Section 16 Public Officers and Employees not Required to Contribute or Render Political Service

This section protects public employees from being required to make contributions or render services in exchange for their employment, and protects them from retribution for failing to do so.

Section 16A Persons Doing Business with the Commonwealth not Obligated to Contribute to any Political Fund

Section 16A is a recently passed law (1986) that protects individuals doing business with the Commonwealth from having to render a political service or make a political donation in exchange for doing business with the state.

Section 17 Coercion of Public Officers or Employees Prohibited

This section is additional protection against retribution to an employee or officer who fails to give or withholds a contribution or who contributes to an opposition candidate or cause.

Seeking An Advisory Opinion _____

Anyone wishing to receive guidance on his/her own campaign finance activities should contact the Office prior to undertaking a particular activity. This Office issues written advisory opinions to individuals based on written requests describing specific facts and circumstances. The Office will issue opinions only as to prospective activities. If you have any questions concerning advisory opinions, please contact the Office. You may also obtain informal, verbal advice by calling the Office at the numbers listed in this brochure.

In addition to specific advisory opinions, from time to time the Director issues Interpretive Bulletins setting policy on a variety of subjects. These documents are publicly available from OCPF and may be helpful in offering assistance to public employees.

Filing a Complaint _____

If you have reason to believe that a violation of the campaign finance laws has occurred, you may file a complaint with the Office either in writing or in person. The Office investigates all matters brought to its attention, regardless of the source of the complaint. The identity of a complainant is considered confidential by the Office.

The Office policy on enforcement actions is such that we will not comment on any action under review. Consequently, an individual making a complaint will not receive periodic information on the status of his/her complaint. However, the complainant will receive notice of the public disposition of a case.

This Office welcomes individuals with information concerning any possible violation of the campaign finance law to call or write OCPF.

*Frequently Asked Questions*_____

"I am a public employee, may I ..."

Q1. "... ask a friend or relative to purchase a ticket to a fundraiser for a candidate for state representative?"

A1. No, section 13 prohibits this activity at any time.

Q2. "... hold a fundraiser in my home for the local selectmen's re-election?"

A2. No, section 13 prohibits this activity.

Q3. "... make a political donation?"

A3. Yes. If the candidate is a public employee or an incumbent elected official, you must make the contribution to the political committee organized on the candidate's behalf, not directly to the candidate. If you are a city or town employee you should also be sure that your local charters allows this.

Q4. "... give permission for my name to appear on a fundraising letter either in the letterhead, text, or as the signatory of such letter soliciting for a candidate?"

A4. No, this activity is not allowed under section 13.

Q5. "... give permission for my name to appear in the body of a fundraising letter for my own candidacy?"

A5. Yes, as long as you do not appear to be soliciting in the letter and you do not sign such a letter.

Q6. "... have a committee use the State House or a city or town hall as an address to send a donation for a political committee?"

A6. No, this activity is prohibited under section 14.

Q7. "... run for public office?"

A7. While M.G.L., Chapter 55 does not prevent a public employee from running for public office, it does prohibit fundraising for *any* candidate. If you run for office, you must organize a political committee and have that committee handle all fundraising activities. You should

also check with your agency or city/town for further guidance on restrictions.

Q8. "... be the treasurer of my local town committee?"

A8. No, an appointed public employee is prohibited from being the treasurer of any political committee.

Q9. "... be a member of a political committee or work for a political committee or a candidate if I were not the treasurer of the committee?"

A9. Yes, as long as you do not involve yourself in the fundraising aspects of the committee there are no prohibitions on you being a member or working on a candidate's or a political committee's behalf.

Q10. "... be compelled or be under an obligation to make a political contribution or render a political service?"

A10. No, sections 16 and 17 offer certain protections to public employees against coercion.

Q11. " If I am an appointed state employee, but also a selectman in my home town, do the limitations on fundraising in section 13 apply to me?"

All. Yes, while elected public officials are exempt from section 13, the fundraising restrictions of M.G.L. Chapter 55 would apply to you for your campaign or any other political campaign because of your appointed public employment.

Q12. "If I fail to make a contribution or make a contribution to a candidate, may I be discharged, demoted or promoted?"

A12. No, section 17 protects a public employee from such action.

Massachusetts General Laws, Chapter 55 Sections 13-17

Section 13. No person employed for compensation, other than an elected officer, by the commonwealth or any county, city or town shall directly or indirectly solicit or receive any gift, payment, contribution, assessment, subscription or promise of money or other thing of value for the political campaign purposes of any candidate for public office or of any political committee, or for any political purpose whatever, but this section shall not prevent such persons from being members of political organizations or committees. The soliciting or receiving of any gift, payment, contribution, assessment, subscription or promise of money or other thing of value by a non-elected political committee organized to promote the candidacy for public office of a person so employed for compensation by the commonwealth or any county, city or town, shall not be deemed to be a direct or indirect solicitation or receipt of such contribution by such person; provided, however, that no such gift, payment, contribution, assessment, subscription or promise of money or other thing of value may be solicited or received on behalf of such a person from any person or combination of persons if such person so employed knows or has reason to know that the person or combination of persons has an interest in any particular matter in which the person so employed participates or has participated in the course of such employment or which is the subject of his official responsibility.

Any appointed officer or employee convicted of violating any provision of this section may be removed by the appointing authority without a hearing.

Violation of any provision of this section shall be punished by imprisonment for not more than one year or by a fine of not more than one thousand dollars.

Section 14. No person shall in any building or part thereof occupied for state, county or municipal purposes demand, solicit or receive any payment or gift of money or other thing of value for the purposes set forth in section thirteen.

Any appointed officer or employee convicted of violating any provision of this section may be removed by the appointing authority without a hearing.

Violation of any provision of this section shall be punished by imprisonment for not more than one year or by a fine of not more than one thousand dollars.

Section 15. No officer, clerk or other person in the service of the commonwealth or of any county, city or town shall, directly or indirectly, give or deliver to an officer, clerk or person in said service, or to any councillor, member of the general court, alderman, councilman or commissioner, any money or other valuable thing on account of, or to be applied to, the promotion of any political object whatever.

Nothing in this section shall be construed to prevent any person holding elective public office from contributing to a candidate or to an elected or non-elected political committee.

Violation of any provision of this section shall be punished by a fine of not less than one hundred nor more than one thousand dollars.

Section 16. No person in the public service shall, for that reason, be under obligation to contribute to any political fund, or to render any political service, and shall not be removed or otherwise prejudiced for refusing to do so.

Violation of any provisions of this section shall be punished by a fine of not less than one hundred nor more than one thousand dollars.

Section 16A. No person doing business with the commonwealth shall, for that reason, be under obligation to contribute to any political fund or to render any political service, and shall not be otherwise prejudiced for refusing to do so.

Violations of any provisions of this section shall be punished by a fine of not less than one hundred nor more than one thousand dollars.

Section 17. No officer or employee of the commonwealth or of any county, city or town shall discharge, promote, or degrade an officer or employee, or change his official rank or compensation, or promise or threaten so to do, for giving, withholding or neglecting to make a contribution of money or other valuable thing for a political purpose.

Violation of any provision of this section shall be punished by a fine of not less than one hundred nor more than one thousand dollars.

The Commonwealth of Massachusetts
Office of Campaign & Political Finance
One Ashburton Place
Boston, Massachusetts 02108
(617) 727-8352
(800) 462-OCPF